

Notice of Allowability	Application No. 10/712,908 Examiner Shalie A. Manlove	Applicant(s) CAVAL, JACOB Art Unit 1755
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
 2. The allowed claim(s) is/are 1-5.
 3. The drawings filed on _____ are accepted by the Examiner.
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date Feb. 18, 2004
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1. [Amended] A dry plaster formulation for mixing with water to form a slow drying plaster for use as a color carrier for blending colors, comprising, by dry weight:

16-22 parts Keene's cement

20-26 parts crystalline silica

3-5 parts dolomitic hydrated lime; and

[.5] 0.5 to 5 parts calcium carbonate

Claim 2. [Amended] A dry plaster formulation for mixing with water to form a slow drying plaster for use as a color carrier for blending colors, comprising, by dry weight:

19 parts Keene's cement

23 parts crystalline silica

3-5 parts dolomitic hydrated lime; and

[.5] 0.5 to 5 parts calcium carbonate

Claim 4. [Amended] A composition as claimed in claim 3, which contains 16-22 parts Keene's cement; 20-26 parts crystalline silica; 3-5 parts dolomitic hydrated lime; [.5] 0.5 to 5 parts calcium carbonate, and 1.5 to 2.5 parts water.

In the Specification:

On page 1, ~~delete~~: --- INVENTOR: Jacob Caval

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Twin Falls, Idaho 83301

Replace paragraph [0002] with the following:

[0002] Background Information. The present plaster formulations, which are commercially available, have several deficiencies. When applied to the interior walls of houses, current plaster formulations are typically too shiny. People would prefer a plaster that is less shiny. The current formulations scratch too easily, which is undesirable for the workman preparing the surface and also for the homeowner. The biggest problem with current formulations is that all work with the web plaster must be done fairly quickly, because the plaster sets within about forty minutes. What would be preferable is to have more time in which to apply different layers of plaster with different colors. The different layers with different [shads] shades of colors result in an attractive effect on the wall.

Replace paragraph [0008] with the following:

[0008] Although, various combinations of these ingredients fall within the claimed invention, a preferred range of ingredients is to utilize 16-22 parts

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Keene's cement; 20-26 parts crystalline silica; 3-5 parts dolomitic hydrated lime; [.5] 0.5 to 5 parts calcium carbonate, and 1.5 to 2.5 parts water. Water should be added until the desired consistency is achieved, this is just an approximate value.

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach the claimed Keene's cement plaster comprising dolomitic hydrated lime.
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Busatti et al US 2,833,660 discloses a plaster comprising Plaster of Paris, lime, sand, boric acid, and rice flour. Lemmon US 2,868,660 discloses a similar plaster comprising hydrated lime, Keene cement, zinc sterate and a colorant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shalie A. Manlove whose telephone number is (571) 272-1372. The examiner can normally be reached on M-TH 5:30-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shalie A. Manlove
Examiner
Art Unit 1755



C. MELISSA KOSLOW
PRIMARY EXAMINER

May 12, 2004